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March 3, 2003

Via Facsimile & U.S. Mail

Environmental Coordinator
Southern Service Center
CALIFORNIA DEPARTMENT OF PARKS & RECREATION
8885 Rio San Diego Drive, Suite 270
San Diego, CA 92108

**Re: Comments on the Anza-Borrego Desert State Park Preliminary General Plan
and Environmental Impact Report (SCH# 200201060)**

Dear Sir or Madam:

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This firm represents the California Off-Road Vehicle Association ("CORVA"), the San Diego Off-Road Coalition ("SDORC"), the American Motorcycle Association District 37 (AMA-37"), and the Off-Road Business Association ("ORBA") in matters affecting the Anza-Borrego Desert State Park ("ABDSP" or the "Park"). We have reviewed the *Anza-Borrego Desert State Park Preliminary General Plan* (the "Plan"), issued in January 2003, which apparently also serves as the Environmental Impact Report ("EIR") for the proposed Plan. As more fully set forth below, we find both the Plan and EIR deficient as a matter of law.

I. GENERAL COMMENTS

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Although ABDSP was established in 1933, no General Plan for the Park has been developed in the seventy years since its inception. The proposed Plan is intended to correct this long-standing oversight and allow the Department of Parks & Recreation ("DPR") to comply with the California Public Resources Code, which requires general plans for state parks. In addition, as permitted under CEQA Guidelines Section 15166, the Plan also incorporates an EIR. To lawfully invoke Guidelines Section 15166, however, DPR must ensure that the Plan/EIR addresses all points described in Article 9 of the Guidelines. Specifically, the EIR must (1) include an accurate and consistent project description; (2) fully describe the existing conditions at the Park; (3) identify, disclose, and analyze the environmental impacts of the proposed Plan,

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#34. Please see Responses #11 and #13.

#35. Please see Response #13. Additionally, an appendix with a “Reasonable Projection of Development Table 6.8” portrays what development could reasonably be expected under the General Plan. Specific project descriptions will be developed as Management Plans and specific projects are implemented. Each of these plans or projects will require additional environmental review under CEQA. Please refer to Plan Sections 3.3 Goals and Guidelines and 3.4 Future Planning Efforts.

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with special emphasis on the Plan's "significant" impacts; (4) consider and adopt mitigation measures to reduce the identified significant impacts; (5) discuss a "reasonable range" of alternatives to the proposed Plan, including a No Project alternative; (6) identify the impacts associated with those alternatives; and (7) assess the cumulative impacts of the Plan. Unfortunately, the Plan/EIR fails to satisfy these requirements.

II. SPECIFIC COMMENTS

A. The Title Page is Misleading

According to the cover page, the title of the document is the *Anza-Borrego Desert State Park Preliminary General Plan*. Nowhere does the cover page indicate that the document also serves as the EIR for the Plan. As a result, readers may not realize that (1) no separate EIR is forthcoming; and (2) they must comment on *this* document if they are to achieve standing to challenge the Plan/EIR at a later time.

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While "dual-use" documents are permitted under CEQA Guidelines Section 15166, the title of the document should clearly indicate that it is serving two purposes. However, in this case, it is not until the fourth paragraph of page 1-7 that the document reveals it is also an EIR. This is insufficient. Some readers may intend to comment only on the EIR, as it is the EIR, not the General Plan *per se*, that can be challenged under the California Environmental Quality Act ("CEQA"). They may not bother to read the text of the General Plan until the "separate" EIR is released. They might never know that the EIR is tucked within the General Plan itself. As a result, they may have been lulled into waiving key legal rights under California law.

To correct this problem, DPR should change the cover of the document to reflect that it is both a Draft General Plan *and* a Draft EIR. Then the document should be recirculated to the public for a full thirty days.

B. The Plan Fails to Provide Quantitative Data Describing Size of Camping Areas and Trails

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The ABDSP consists of 600,000 acres of desert habitat with highly varied topography. It is one of the largest state parks in the United States and serves well over a half million visitors per year. The Park provides an unmatched combination of scenic beauty, undisturbed natural resources, cultural artifacts, excellent camping and hiking opportunities, equestrian trails, and some of the best off-highway vehicle ("OHV") routes in the country. Ironically, the richness of the Park and its ability to serve a wide range of interests create significant management challenges. The Plan is intended to address these challenges but, unfortunately, fails to do so. Worse, the environmental impact analysis does not give a proper accounting of the potential effects of the proposed Plan. It is nearly devoid of technical support; ignores major impact categories; offers little in the way of mitigation; defers even the most rudimentary assessments

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#36. CSP respectfully disagrees. The General Plan is a program EIR and therefore general in nature. As design detail becomes available with the proposal of specific projects, CSP will conduct additional environmental review under CEQA. The General Plan establishes an updated Declaration of Purpose to reflect modern park issues & uses, adopts both a Park Vision and ***Mission***, and provides goals and guidelines that address park management. Resource inventories were prepared to allow CSP to plan facilities and management zones in the most appropriate areas to serve the public yet protect the resources on site. CSP has qualified natural and cultural resource specialists on staff that are familiar with many of the resources at the Park.

CSP attempts to produce General Plans that include enough technical reference to support the management proposals, yet without over-weighting the document in unnecessary detail. We feel that the level of detail and citations provided in the Preliminary General Plan accomplish this. Per your requests, some additional citations are provided.

#36.1. Significant negative effects (increased susceptibility to wind and water erosion, accelerated decomposition of organic matter, weakening of soil aggregate stability, increased runoff, inhibited germination and emergence of seedlings, and reduced water infiltration) of OHV on desert soils are abundantly documented (Web and Wilshire 1983). It is well established that soil integrity is a key component of the desert ecosystem (Bainbridge and Virginia 1995). Though it may be argued that open camping and off-trail hiking exert less direct force than OHV use, it must be acknowledged that these activities have the potential to disrupt and compact desert soils and therefore contribute to the above mentioned ecological effects (Cole 1995, Marion and Farrell 2002). Even small forces (1 newton or 100 grams) have been documented as producing direct negative effects on desert biota (Hathaway et al 1996). Please see the Goals and Guidelines for Soils (3.3.1.2). Further answers to your questions will be discovered as these goals and guidelines are implemented through time.

#36.2. “Substantial volume” will be eliminated from the text.

#36.3. We feel the biology and importance of cryptogamic crusts and the integrity of soils, and the topics of hydrology and meteorology are all dealt with in sufficient detail for a General Plan. Furthermore, it is our assessment that a comparison between “violent, erosive storms” and human use of Anza-Borrego Desert State Park® is not of value here. Rather, the recognition of the relationship between plant cover and the potential for erosion is more appropriate. The presence of vegetation protects soil from erosion. In addition, cryptogamic crusts and other soil biota promote the establishment and persistence of vegetation (Bainbridge and Virginia, 1995).

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until a later time; fails to provide a meaningful discussion of alternatives; and largely skirts the key issue of cumulative impacts. In short, the Plan consists mostly of vague management concepts steeped in "bureau-speak"; and the EIR is nothing more than an 11-page "fly-over" that provides no useful information.

C. Existing Conditions and Issues

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In this section of the Plan, DPR attempts to describe current physical and operational conditions at the Park. Much of the information is helpful, though rather general in nature. However, some statements in the "Existing Conditions" discussion are quite specific and describe key resources at the Park. Unfortunately, these statements rarely are supported by data or reference to technical studies. Some examples of this problem are set forth below:

1. Soil Crust: On page 2-21, the Plan states that the cryptogamic crust on the top of the desert soil is extremely important to the desert ecosystem, and that the layer just below the crust also supports key biological components necessary to the health of desert plants and animals. These statements seem correct and well-supported. However, within this same discussion, the Plan goes on to say that "Open camping and off-trail hiking are popular activities that may have subtle yet significant negative effects on the desert ecosystem." Such a pronouncement is without value unless it comes with more information. For example, What significant effects is the Plan referring to? What data establish that these effects occur in the ABDSP? If the problem exists, how widespread is it? What efforts have been made to control it? Neither the public nor the decision-maker can meaningfully assess the proposed Plan unless questions like these are answered.

2. Vehicle Emissions from Ocotillo Wells State Vehicle Recreation Area: According to the Plan at page 2-25, OHVs from the Ocotillo Wells State Vehicle Recreation Area "produce a substantial volume of exhaust emissions and dust." However, the Plan fails to quantify these emissions or indicate whether the ABDSP is significantly affected by them. Indeed, the statement seems to be pure conjecture because, as the Plan admits, "no agency actively monitors the air quality within ABDSP." (Plan, at 2-25.)

3. Soil Erosion Due to Flash Floods: As noted above, the Plan discusses in some detail the importance of the desert's soil crust. Then, on page 2-27, the Plan states that runoff in ABDSP is typically high "and the unprotected soil erodes easily during violent storms." It would be helpful to know whether such storms destroy the soil crust and, if so, how the crust rebuilds itself. These violent, erosive storms occur every year or two and likely destroy far more soil crust than humans do. Moreover, the storms have been battering the desert (and thereby shaping it) for millennia; yet the desert soils survive and rejuvenate. This process should be explained in the document.

#36.4. CSP will typically perform wetland delineation in accordance with the 1987 U.S. Army Corps of Engineers (ACOE) Wetland Delineation Manual (TR Y-87-1) prior to the development of a particular location. Surveys of this nature for Anza-Borrego Desert State Park® are not believed to be necessary for a General Plan, which specifically places no definite structure in any particular location, but delineates general ‘Focused Use’ zones with an array of potential structures. We feel that wetlands are described in sufficient detail, with focus on the diversity of wetlands found throughout the Park, and note made of potential issues of management concern. The Park’s habitats are well documented (CDFG, 1998) and this data was used throughout the planning process.

#36.5. In this discussion (2.2.2.3) the CNDDDB is referenced as (CDFG 2002); the citation in the bibliography intends to indicate that this is a product of the CA Department of Fish and Game’s Natural Heritage Division, stationed in Sacramento, which is now known as CDFG’s Wildlife and Habitat Data Analysis Branch (this change will be made in the bibliography). ‘Significant Natural Areas’ are State recognized designations of significance, decided on by CA Department of Fish and Game, given their analysis of peer contributed data. The Department of Fish and Game refers to Natural Significant Areas as those areas with the highest priority for conservation. There are no State or Federal mandated restrictions that are legislatively tied to their designation as such.

#36.6. It is our professional assessment that filling in a desert creek with a highway may have negative effects on the creek and associated plants and wildlife. Information is readily available to support this view (Trombulak and Frissell 2000); however, we feel that further development of this issue is not needed for this General Plan.

#36.7. There are many reasons why driving upstream within the flow of Coyote Creek is a poor stewardship practice for Anza-Borrego Desert State Park®; much of this is summarized by Osterman and Boyce (2002). This General Plan addresses 600,000 acres and many issues; CSP feels that Coyote Canyon and the sensitive resources associated with that area are given adequate attention and weight.

#36.8. Please see Responses to comment #36.1 and #36.3 for additional discussion on natural resource integrity and visitor uses.

The riparian areas of the Park are well documented in the resources inventory. Figure 7.5 provides this information in sufficient detail for a General Plan. The Department spent roughly \$300,000 last year (roughly \$100,000 annual average) on the removal of exotic vegetation throughout the Park. This activity is largely focused on wetland and riparian areas. A large body of literature documents the negative effects of exotic plant species on riparian habitat quality (water quality and quantity, and also other riparian quality indicators) and the establishment of exotic species in areas of human disturbance (Lovich and Gouvenain 1997; Westbrooks 1998). Understanding the degree to which the entire spectrum of visitor uses is correlated with the establishment of exotic vegetation is of major concern for State Parks. Our commitment to resolving these uncertainties is highlighted throughout this plan, but specifically noted by guideline #2 under the ‘Exotic Biota’, and guideline #1 under ‘Biological Processes’ (3.3.1.3).

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4. Wetlands: On page 2-36, the Plan describes the wetland areas of the Park. However, the Plan does not explain whether these areas (a) have been "delineated" as wetlands by the Army Corps of Engineers ("ACOE"), or (b) otherwise meet the three wetlands criteria established by the ACOE (hydric soils, hydric plants, hydrology). Please include this information in the final Plan, along with a site map identifying the locations of the fully-delineated wetlands, if any.

5. "Significant Natural Area" Designation for the Willows of Coyote Canyon: On page 2-43, the Plan indicates that the Lower and Middle Willows of Coyote Canyon have been designated as "Significant Natural Areas" in the California Natural Diversity Database (CNDDDB)," and that the Upper Willows will likely receive the same designation in the near future. Please explain whether CNDDDB is administered by a public agency (such as DPR) or is a private data base. Also, please identify the criteria used to determine whether a given location qualifies as a Significant Natural Area. Finally, please identify the use restrictions, if any, that apply to Significant Natural Areas.

6. Alleged Road Impacts on Riparian Areas: On page 2-43, the Plan states that Highway S2 "provides a major source of negative impact to San Felipe Creek and associated wildlife and habitat." However, the nature, scope and severity of these "negative impacts" are not identified, much less discussed. How has the creek been affected by Highway S2? What wildlife and habitat impacts have been causally linked to the road? The information necessary to answer these questions should be readily available. If it is not, then the Plan should not make statements regarding the negative impact of Highway S2.

7. Alleged OHV Impacts on Riparian Areas: Page 2-43 of the Plan also states that OHV recreation "presents another negative impact that has long been a concern for the riparian areas, especially those of Coyote Creek." These impacts must be identified and their severity explained. Further, the data that support this statement should be listed. As DPR knows, there is considerable debate regarding the accuracy of claims that OHVs substantially degrade Coyote Creek or other riparian areas of ABDSP. Comments such as the one on page 2-43 do little to advance the discussion or resolve the dispute, as they are completely untethered to any data.

8. Alleged Human Impacts on Montane Riparian Habitat: At page 2-43, the Plan indicates that roads, equestrian and bike trails, and foot traffic may erode [montane riparian habitat], assisting in the establishment of invasive exotics and decreasing water quality and quantity in low-flow summer stream systems." Please identify the montane riparian areas in ABDSP that have been negatively affected by invasive plants and by reduced water quality and quantity. Also please identify the data showing that such negative impacts exists and are caused by human recreational activities.

#36.9. Much evidence from scientific journals supports our mention of visitor impacts and displacement of wildlife for this desert wetland habitat. For example Swarthout and Steidl (2003) cite a number of researchers that have documented responses of a variety of raptors to recreational activity. The *Recovery Plan for Bighorn Sheep in the Peninsular Ranges, California* (2000), discusses human uses and the “potential to disrupt normal bighorn sheep social behaviors and use of essential resources, or cause bighorn sheep to abandon traditional habitat”. In addition, many years of ranger reports document specific and focused impacts to palm oases, such as arson, illegal camping, and ground fires, parties, soil compaction, and human trampling.

#36.10. Many years of ranger patrols on the Blair Valley and Little Blair Valley, and Clark Dry Lake, have documented lasting effects of human activities (off-road vehicle, trail, and camping) on those sensitive habitats. Vehicles may not travel off designated road in Anza-Borrego Desert State Park® and, largely, roads do not traverse the playas. In general, foot traffic is not restricted through these playas.

It is our assessment that a direct comparison between wind erosion and human activity is not meaningful here. The point that should be understood is that a disturbed desert soil surface is more susceptible to wind erosion than an undisturbed desert soil surface (Gillette and Adams, 1983).

#36.11. Colorado Desert Fringed-toed Lizards (*Uma notata notata*) have been documented within Anza-Borrego Desert State Park® in fine sand habitats (CSP 2002); this includes the sand dune habitat as described in ‘Sand Dunes’ (2.2.2.3).

#36.12. Rare plant surveys conducted in 1997-98 field season, by a team of highly qualified botanists and ecologist, documented over 50 occurrences of this sensitive species. This team identified vehicular activity as a potential threat to this species. Many of the documented occurrences come from within heavily used washes, such as Fish Creek, Arroyo Salado, and Split Mountain.

#36.13. As mentioned in Sensitive Animals Section 2.2.2.3, The U.S. Fish and Wildlife Service has designated Critical Habitat for Quino Checkerspot Butterfly (QCB) and published a Draft Recovery Plan (2001). These documents outline known negative effects to this species including OHV use. The fact that Anza-Borrego Desert State Park® contains federally designated draft Critical Habitat for this species mandates that we consider the potential negative effects. We are not aware of a currently-existing conflict between OHV use and QCB populations within Anza-Borrego Desert State Park®; however, given that a major wash and a rail road right-of-way bisect this Critical Habitat Designation within the boundaries of Anza-Borrego Desert State Park®, and that a portion of Park land in this area is proposed to be designated Backcountry Zone (roads are a potential development, see Table 6.6), the issue deserves mention.

#36.14. We consider the recent discovery of two nesting pairs of Southwestern Willow Flycatcher within the Park to be of significant importance to this State and Federally Endangered species. Appropriate breeding habitat exists within Anza-Borrego Desert State Park® as exemplified by vegetation surveys throughout the Park (CSP 2002), the description of breeding habitat as outlined in the Federal Register (1997, Vol 62 No 140), and documentation of nesting pairs within the

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9. Alleged Human Impacts on Palm Oases: At page 2-44, the Plan states that “[d]irect visitor impacts and displacement of wildlife are major issues” affecting Palm Oases, “especially at Borrego Palm Canyon as well as Pygmy and Southwest groves of Mountain Palm Springs.” Please identify more specifically the types of impacts that are creating problems at these oases. Also, please explain how and to what extent wildlife at the oases have been displaced. This explanation should reference scientific data for verification purposes.

10. Alleged Human Impacts on Desert Ephemeral Playas: The Plan describes Desert Ephemeral Playas as large flats of dry, impervious soil that hold accumulated run-off during heavy rain years. (Plan, at 2-46). The Plan then states that the surface soils of playas are “easily broken by foot and vehicular traffic, leaving tracks that remain visible for years.” *Id.* Finally, the Plan states that the playas, when not filled with water, are susceptible to wind erosion. *Id.* This series of facts raises a number of questions. For example, which desert ephemeral playas have shown negative effects from foot and vehicle traffic? If vehicle tracks remain visible for years, the affected playa areas should be easy to identify. Also, are the playas closed to vehicle and foot traffic? Are there signs identifying these areas as especially sensitive? Finally, does wind erosion affect the surface soils more or less than do human recreation activities?

11. Sand Dunes as Colorado Fringe-Toed Lizard Habitat: At page 2-47, the Plan states that the “Colorado Desert Fringe-Toed Lizard is a sensitive species known to utilize [sand dune] habitat.” Please indicate (with references to data) whether fringe-toed lizards have actually been observed in the sand dunes at ABDSP.

12. Alleged Vehicle Impacts on Orcutt’s Woody Aster: At page 2-49—2-50, the Plan indicates that vehicle impacts are a “potential threat” to the Orcutt’s Woody Asters that grown in the Borrego Badlands and near Fish Creek. Please identify the data showing that vehicle traffic of any type has (a) affected this plant or (b) is likely to affect it in the future.

13. Alleged OHV Impacts On Quino Checkerspot Butterfly: At page 2-51, the Plan suggests that habitat for the Quino Checkerspot Butterfly has declined due to a host of human-caused disturbances, including OHV use. However, the Plan is not specific as to whether this has been a problem at ABDSP. Please clarify this issue, as it would be helpful to know whether and where OHV activity within ABDSP has resulted in declines of QCB habitat.

14. Habitat for the Southwestern Willow Flycatcher: The Plan, at page 2-53, states that Southwestern Willow Flycatchers were observed at ABDSP for the first time in 2002. The sighting occurred at San Felipe Creek. *Id.* However, from this one sighting, the Plan makes the sweeping statement that “wetland and riparian areas within ABDSP support breeding Southwestern Willow Flycatcher” This is a gross overstatement, as it suggests that numerous wetlands and riparian “areas” in ABDSP support breeding SWF, which is not true. In

Park's boundaries in San Felipe Creek riparian habitat. Furthermore, given the progress with Anza-Borrego Desert State Park®'s exotic vegetation removal program, it is very likely that marginal or unoccupied habitats throughout the Park will improve in suitability for this species.

#36.15. We feel that the biology and needs of Bighorn Sheep are given adequate attention in this document. The Rubin et al study is available for your review; please see bibliography for full reference. California State Parks is committing a substantial amount of resources investigating the factors that contribute to the success or failure of the Bighorn Sheep population. It is known that many factors have played a role in the Bighorn Sheep decline and that these factors have influenced this species at varying degrees throughout history (USFWS 200b).

#36.16. CSP has reviewed the deeds sent by CORVA and additional deeds in our ownership files. None of these deeds supports CORVA's contention that vehicular access is required as a public right of way, and, CSP provided a letter with our analysis to that effect. Also, although a section of Coyote Creek was closed to vehicular activity, it is still open as a public route for mountain bike, equestrian, and hiking uses during times of the year when sensitive resources are least affected.

#36.17. Please see Response # 12. These documents are and have been available at the Colorado Desert District office in Borrego Springs, as well as the Southern Service Center office in San Diego. Throughout the General Plan process, which included an extensive array of public meetings, it has been made clear that these localities hold the Resources Inventory and other guiding documents and reports that are available for public review.

#36.18. The statement of 2-98 should include capitals for Least Bell's Vireo 'Critical Habitat', as this refers to the 'limits' of the USFWS Critical Habitat Designation. Nearly 30 breeding pairs and 15 territorial males have been documented outside of the designated Critical Habitat yet within the borders of the Park. These riparian areas include Borrego Palm Canyon, San Felipe Creek, Vallecito Creek, Agua Caliente Springs, Carrizo Creek, Bow Willow Creek, and Fish Creek Wash (USGS 2001). It is our assessment that these birds represent a significant contribution to the recovery of this Endangered species.

#36.19. The recovery Plan for Bighorn Sheep in the Peninsular Ranges, California (2000) summarizes bighorn sheep sensitivities to roads. A dramatic example of a highway's negative effect was illustrated by the death of two bighorn sheep (on Highways 78 and S3) as a result of vehicle traffic. Montezuma Grade, Highway 78, and S2 between Whale Peak and Vallecito are of primary concern.

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fact, only one pair of the species has ever been observed *anywhere* at the Park, and that observation did not occur until last year.

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15. Decline in Bighorn Sheep Populations: According to the Plan, the 1998 Rubin study found that bighorn sheep populations in some ewe groups had declined by as much as 28% during the 1990s. (Plan, at 2-54.) Please indicate whether Rubin was able to rank the causes of bighorn sheep declines in terms of severity. For example, is habitat fragmentation the primary cause, or is it mountain lion predation? What role has disease from domestic sheep played in the population declines?

16. Creation of "State Park": The Plan briefly discusses the manner in which ABDSP was created back in the 1920s and 1930s. In this discussion, the Plan indicates that the State made land swaps and exchanges with various property owners to increase the size of the Park. This is fine as far as it goes, but it leaves out important information, such as the fact that many of the landowners who deeded property to the State for purposes of establishing the Park also retained for themselves and the public certain rights to use existing trails and roads that are now within the Park. These are vested property rights upon which DPR may not infringe or diminish *via* "management" decisions.

17. Coyote Canyon Public Use Plan: At page 2-97, the Plan refers to the Coyote Canyon Public Use Plan (the "PUP") that was prepared in 1995. The PUP is a key document and addresses some of the most controversial issues confronting ABDSP. It should be included as an Appendix to the Plan/EIR. The same is true of the 2002 Ecological Study of Coyote Canyon (referenced on page 3-47) and the Coyote Canyon Alternative Trail Feasibility Study prepared by Dudek in 1999. Again, these are important documents to which the public should have access as they review the Plan/EIR and assess its adequacy.

18. Least Bell's Vireo Breeding Areas: At page 2-98, the Plan states that critical habitat for the Least Bell's vireo is limited to the two-mile reach of Coyote Creek, but that the species "breeds in numerous riparian areas scattered throughout the park." Please identify, with supporting data, the riparian areas where breeding Least Bell's vireos have been observed in ABDSP.

19. Alleged Road Impacts on Bighorn Sheep: At page 2-99, the Plan indicates that roads and highways fragment habitat, and that this "effect has already been documented for Bighorn Sheep within the Park." Please identify, with supporting data, which road and what fragmentation effects have been documented with respect to the Bighorn Sheep.

D. The Plan

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#37.1. As stated on Page 1-7 of the General Plan, “General Plans are broad policy documents intended to guide park development and management for many decades”, and, “This document does not attempt to provide detailed management recommendations, but rather provides conceptual parameters for future management actions.” In this manner, the General Plan addresses all pertinent issues affecting the Park.

#37.2. Please see Response #37.1. All management plans referred to in the General Plan with the potential for environmental impacts are subject to public review under CEQA.

#37.3. Table 6.7 in the General Plan indicates the approximate acreage of each management zone.

#37.4. CSP respectfully disagrees, Please see Responses #13 and #36.

#37.5. The text of the General Plan has been revised Section 3.3.1.3. The over-arching legislative directive for State Parks is its **Mission**, which includes the charge of, “... helping to preserve the state’s extraordinary biological diversity, protecting its most valued natural and cultural resources...” The guideline in question supports the fulfillment of this **Mission**. Scenarios where CSP staff should be proactive in the conservation of a ‘most valued natural resource’ that has no state or federal ‘listing’ are nearly limitless. Criteria will include a professional assessment of the resource’s regional significance and the urgency with which it requires further protective management action. Being proactive in the conservation of imperiled biota that will require extensive time and funding to receive ESA designation should not be confused with breaking the law but upholding State Parks **Mission**.

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1. The Plan is Too Vague: We note that the Plan itself is only 52 pages long, which seems rather short for a State Park General Plan that must address a host complex issues affecting 600,000 acres of desert and more than 600,000 visitors.

2. The Plan Fails to Incorporate Key Management Elements: We are especially concerned that key management elements of the Park's General Plan have been deferred and excluded from this review process. In fact, management plans affecting seven critical aspects of the Park have not yet been developed and are not part of the General Plan. These include: (1) the Backcountry Management Plan; (2) the Roads Management Plan; (3) the Trails Management Plan; (4) the Cultural Resources Management Plan; (5) the Natural Resources Management Plan; (6) the Interpretative Management Plan; and (7) the Facilities Plan. (See, Plan, at 3-49—3-52.) Without these seven management plans in place, the General Plan is too skeletal to be of much use. It sets goals and guidelines, but gives no hint as to implementation and management. At the very least, DPR must assure the public that each of the seven management plans currently in development will be subject to rigorous environmental review pursuant to CEQA.

3. Focused-Use Zones and Backcountry Zones: While the Plan briefly describes Focused-Use Zones ("FUZs") and Backcountry Zones ("BZs"), it does not indicate how much of the Park, in terms of acreage, is dedicated to FUZs and BZs, respectively. Nor does it indicate whether the Plan calls for more or less FUZ and BZ acreage than is currently the case. This is fairly basic information that should be included in the Plan.

4. Data Driven Management Decisions: The Plan commits DPR to making data-driven management decision to the extent sufficient data are available. (Plan, at 3-17.) This is an excellent idea. Unfortunately, neither the Plan nor the EIR seem to adhere to this ethic, as each is woefully short on supporting technical evidence.

5. Protecting Biotic Resources: At page 3-21, the Plan states that DPR "will be proactive in biological conservation when the legislative process appears too slow, driven by economic or political interests or to be focused on a species when other levels of biological organization may be more appropriate to units of conservation." This statement suggests that DPR will act independently of directives from the legislature or the political process to ensure its (DPR's) vision of natural resource conservation. This is a fairly radical position to take, given that the legislative and political processes exist, in part, to protect the public from agency abuses of power. Please identify the legal authority, if any, that empowers DPR to act outside the legislative and political process when addressing conservation issues. In addition, please set forth the criteria by which DPR will determine whether and when the legislative process is (a) too slow, (b) overly driven by economics, or (c) overly driven by political interests, and that proactive conservation action is required.

#37.6. Please see Response #37.5. One of the designations provided by the Endangered Species Act may be referred to as "warranted-but-precluded" for listing (ESA, Determination of Endangered Species and Threatened Species, (b) Basis for Determination, (3, B, iii, I and III). This means that a particular species has been found to warrant listing, but issuance of a proposed listing rule is precluded by subsequent efforts. This is one such example that State Parks will strive to protect an imperiled species, although it is not yet mandated by legislation.

#37.7. Please see Section 3.3.1.1 in the Preliminary General Plan/Environmental Impact Report.

#37.8. CSP determines the presence of cultural or religious sites based on direct consultation with Native American representative or descendents of other representative groups, and documentary research. The Native American Heritage Commission also provides information about sacred sites. Protection of sites for historic significance is also based on the importance of particular locations, activities, and the persons associated with those activities. For example, Camp 4 in Yosemite Valley was recently listed on the National Register of Historic Places due to the fame and significance of the persons that spent time there, it's relationship to rock climbing as a discipline, and the proximity of the camp to El Capitan (the site of many famous climbs). However, the continuation of the recreational activity does not affect its importance for listing on the National Register.

#37.9. The criteria will be based on past and current records of cultural sites and additional field monitoring and research. CSP protocol includes the use of an Archaeological Condition Assessment Record. These records would be utilized by the Park site stewardship program and identify possible degradation of cultural deposits, the movement of cultural artifacts or features and the proximity of camping to significant sensitive sites documented through field notes and photographic evidence prior to road or trail closure or rerouting.

#37.10. Please see Response #12. California State Park specialists have determined that the original grants do not prohibit the closing of a portion of Coyote Canyon to vehicular use. However, whether or not the public is entitled to these easement rights is not an environmental issue and, therefore, is not subject to CEQA.

#37.11. These management plans will undergo CEQA review.

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6. Protecting "Non-Listed" Species: At page 3-22, the Plan states that DPR "will treat as a listed species those that meet the criteria for listing, but are not, due to economic or political reasons." Again, what legal authority allows DPR to treat non-listed species as listed species? Also, please set forth the criteria by which DPR will determine that a decision not to list a species, under the federal or state Endangered Species Acts, was in error or driven by economic or political decisions. (DPR should note that listing decisions under Section 4 of the federal ESA are made without regard to economic considerations.)

7. Management Strategies to Counteract Biotic Declines: The Plan states that DPR will develop management strategies to "counteract declines or loss of biota if those declines are the result of human actions and appear to indicate a compromised native species or ecological system." (Plan, at 3-22.) Please identify the criteria by which DPR will determine whether biotic declines are the result of human actions as opposed to other causes.

8. Cultural Resources: At page 3-27, the Plan includes the following Goal: "Identify, protect, and interpret places within ABDSP holding special cultural or religious significance to Native Americans and other ethnic communities." Please explain how DPR will determine whether a given site within ABDSP "holds special significance" for Native Americans or other ethnic groups. Also, given that parts of ABDSP have been used for recreational purposes for at least 50 years, these sites should be identified and protected (for continued recreational activity) as well.

9. Closing Road and Trails: The Plan, on page 3-44, indicates that road and trails may be closed or rerouted if found to cause damage to resources. Please identify the criteria by which DPR will determine if a road or trail has caused sufficient damage to warrant closure or rerouting.

10. Coyote Canyon Management Area: At page 3-47, the Plan discusses Coyote Canyon as a management area requiring special attention. However, the Plan fails to disclose that Coyote Canyon – and specifically, the closure of Coyote Canyon Road – is highly controversial. OHV users do not believe that the closure is needed to protect biological resources. Further, OHV users maintain that the right of the public to use Coyote Canyon Road is guaranteed by easements set forth in the original grants transferring land to the State for purposes of establishing the Park.

11. Roads Management Plan and Trails Management Plan: As indicated above, we believe that these management plans, along with the others described briefly in the document, should have been completed and incorporated in the General Plan now under review. That being said, however, these two management plans have the potential to dramatically and negatively affect recreation in the Park, especially OHV recreation. They should not, and cannot, be approved without prior CEQA review.

#38. CSP feels that this Preliminary General Plan/ Environmental Impact Report (EIR) is consistent with Section 15166 of the California Environmental Quality Act guidelines for program level EIRs. As noted elsewhere, the General Plan serves as a report under CEQA. It is the first tier of planning and development for projects in the Park unit and serves as a program level document. It provides discussion of the probable impacts of future development and establishes goals, policies and objectives to implementing such development in a way which such projects will avoid or minimize such environmental impacts as may be expected from such development. This approach will be consistent with the tiered approach to EIR's as reviewed by recent court decisions (*Rio Vista Farm Bureau Center, et al vs. County of Solano* (1992) 5 Cal.App.4th 351; *Al Larson Boat Shop, Inc. vs. Board of Harbor Commissions of the City of Long Beach* (1993) 18 Cal.App.4th 729; *Chaparral Greens vs. City of Chula Vista* (1997) 50 Cal.App.4th). Please see Response # 13.

#38.1-3. Please see Table 6.7 Section 4.4 and Figures 7.6, 7.7, 7.8, and 7.9 in the Preliminary General Plan/DEIR. According to the CEQA guidelines Section 15126.6 (c) (f), only those alternatives that could feasibly accomplish the basic objectives of the project and could avoid or substantially lessen one or more of the significant environmental effects are required to be analyzed in detail. CSP believes that the Preferred Alternative provides the best combination of planning efforts to reduce potential adverse effects to natural, cultural and recreational resources. It is not anticipated that there would be substantial adverse effects to recreation because the General Plan provides options for increased recreational benefits and access. Recreation may be redirected to areas that are less environmentally sensitive but recreation will continue to be a large part of the Park activities at Anza-Borrego Desert State Park®. In reference to the increased wilderness area, public access will continue for equestrians and hikers. Please also refer to Response #13.

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E. The Environmental Analysis

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Section 4 of the document includes the "Environmental Analysis" that is required by CEQA. In this section, DPR must identify, disclose, analyze, and mitigate the potentially significant impacts of the proposed Plan. However, the entire Environmental Analysis is only 17 pages long and consists merely of broad conclusions regarding the potential effects of the Plan. There is virtually no analysis and no data. While we recognize that this is a "First Tier" EIR for a General Plan, it still must include all of the analytical components described in Section 9 of the CEQA Guidelines. Further, it must still rigorously analyze those impacts for which data is available. With respect to these two fundamental requirements, Section 4 of the Plan/EIR is an abject failure. To quote from *City of Coronado v. California Coastal Zone Conservation Commission* (1977) 69 Cal.App.3d 570, 583, "this document resembles an EIR as mist resembles a Colorado cloudburst."

1. Inadequate Discussion of Alternatives and Their Impacts: CEQA requires that a lead agency do more than simply describe in a paragraph or two the Alternatives to the proposed project. Instead, the agency must also assess and disclose the potential impacts of those alternatives, so that decisionmakers and the public can meaningfully compare the project against the other options identified in the document. Here, DPR has provided no analysis whatsoever regarding the potential impacts of the four alternatives to the project. As a result, the document is incomplete and inadequate as a matter of law.

2. Inadequate Discussion of Recreation Impacts: At pages 4-17 and 4-18, the Plan provides a brief overview of the Plan's potential impacts on public recreation. Not surprisingly, this overview is practically devoid of analysis and data, and tells the reader nothing of substance regarding the Plan's actual impacts on recreational activities in the Park. For example, it fails to disclose or assess the extent to which camping and equestrian activities will be restricted under the proposed Plan. As to vehicle use, the Plan *does* state that "While no existing roads or vehicle access would be affected by this action, it would eliminate the possibility of new roads and highway-legal vehicle access from an additional 9% of the Park." But even this statement may turn out to be false if the Road and Trails Management Plans, which are not part of this document and have not been devised, call for certain roads and trails to be closed.

3. Inadequate Cumulative Impacts Analysis: General plan level EIRs must include a cumulative impacts analysis. In this case, DPR's entire cumulative impacts analysis consists of one paragraph. It includes no analysis and no data. Worse, it all but disregards key cumulative impact categories, such as public recreation. For example, even though DPR is well aware that the federal Bureau of Land Management ("BLM") recently closed more than 1 million acres of the California Desert to motor vehicles (which means that many of these areas are off-limits to everyone except well-conditioned, experienced hikers), this Plan/EIR fails to

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#39. Please see Responses #32, #33, and #38. CSP has made minor revisions to the General Plan as noted in the “Proposed Changes to the Preliminary General Plan” Section. However, none of these revisions requires re-circulation of a DEIR because they do not adversely change the potential environmental impacts associated with implementation of the General Plan.

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mention this fact. Nor does the document explore whether these other desert closures may have "displacement" impacts on ABDSP. The Plan/EIR also fails to assess whether BLM's closures, when coupled with recreation restrictions permitted under the proposed ABDSP General Plan, might create significant, cumulative impacts on public recreation.

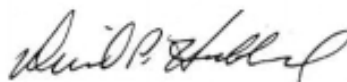
4. Inadequate Mitigation: Just as the Plan/EIR fails to provide an adequate discussion of the Plan's potential impacts on recreation and other resources, it likewise fails to provide adequate mitigation for those impacts.

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III. CONCLUSION

For the reasons set forth above, we find the Plan/EIR defective and incomplete. DPR should immediately revise the document to correct these deficiencies and the recirculate it for another round of public review and comment. Thank you for this opportunity to comment on this important management plan.

Very truly yours,



David P. Hubbard

Cc: Senator Bill Morrow
Ruth Coleman, Acting Director, State Parks
Jim Arbogast, CORVA
Michele Casella, AMA-37
Pete Conaty, CLORV
Roy Denner, ORBA
Paul Grossberg, SDORC

#40. Thank you for your support. CSP must comply with all appropriate federal and state laws to protect natural and cultural resources including, but not limited to CEQA, the state and federal Endangered Species Acts, the Migratory Bird Species Act, PRC 5024 and 5024.5 and the National Historic Preservation Act. It is the intent of CSP to provide protection to these resources and allow continued recreational access within Anza-Borrego Desert State Park®. This plan proposes a balance of resource protection and recreational access. At the public workshops, both recreational advocates and environmental resource protection advocates expressed strong desires to protect the beauty and solitude found at Anza-Borrego Desert State Park®, because that is a great part of what makes the Park special to them. Protection of the resources at Anza-Borrego Desert State Park® will also protect the quality of the recreation experience.

CSP is actively seeking to enhance recreational facilities, trail access, and provide new trails, while protecting the resources from increased user numbers and the adverse effects of visitor interest in the Park. For example, fragile desert flowers are at risk of trampling from the people that come to see them. So the General Plan developed the goals and guidelines to provide the flowers protection and public the opportunity to see and appreciate them. In a perfect world, our footprints would not trample flowers but, since we do not live in a perfect world, specific park management plans are necessary to guide adverse visitor impacts around the areas needing extra levels of protection.

Regarding historical multiple use recreational access: There are no federal or state laws that state that a historic activity has to continue along a historic road or trail in order for them to maintain their historic significance and integrity.

#41. Designation of state wilderness areas does not constitute a “detailed management decision.” Rather, the designation “provides conceptual parameters for future management actions”. The areas proposed for designation as state wilderness are consistent with the Public Resources Code Section 5019.68 as stated on Page 3-4 of the General Plan.

#42. Please see Response #40. Furthermore, there is a discussion of the “historical and culturally significant aspects of recreation” on Page 2-73 and 2-76 of “Existing Conditions (Section 2.2.3.2).” The stated goals on Page 3-6 (Section 3.2.3.1) of “The Plan” also include “providing opportunities for high quality recreation that supports a healthy natural environment.” Finally, Page 10-36 (Section 10.2) of the Historic Resources Appendix discusses the introduction of an entirely new recreational activity—four-wheel drive off road travel—immediately following World War II. The result, unfortunately, was that some of these vehicles, according to the State Park Commission, contained “Hunters by the dozens [who] are invading the parklands. Desert vehicles with four-wheel drive, capable of negotiating the barest trails, radiate out over our lands.” All of which resulted in an expansion of the Park’s infrastructure to meet the growing demands of increased visitation and the need to restrict uncontrolled access to sensitive areas.

#43. The designation of natural preserves, cultural preserves, and state wilderness is consistent with the Declaration of Purpose on Page 3-6 of the General Plan. This Declaration of Purpose amends the 1964 State Park Commission declaration that is cited in your comment. The statement of purpose is effectively achieved through the proposed extensions of wilderness. Wilderness allows for the presence and creation of hiking and equestrian trails. Anza-Borrego Desert State Park® allows open camping and off-trail hiking throughout wilderness. Nearly 100 miles of unpaved roads have state wilderness designation on either side, allowing for vehicle (as well as equestrian, mountain biking and hiking) access ‘through’ state wilderness. Given this access, and the distribution and extent of all proposed management zones, State Parks feels that the General Plan provides ample opportunity for visitors of all ability levels to experience the wide variety settings, resources, and values that the Park has to offer.

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March 3, 2003

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Please accept these comments from the San Diego Off Road Coalition (SDORC) on the Draft General Plan for the Anza-Borrego Desert State Park. SDORC is a nonprofit organization representing off-highway vehicle enthusiasts, clubs and businesses in San Diego and Imperial Counties in southern California.

40 While SDORC supports the concept and overall structure of the General Plan we have concerns on some of the details and management objectives as presented in the Plan. It appears that once again, as is so prevalent in public land use plans these days, that this plan is geared mostly towards preservation and extreme environmental protection at the expense of historical multiple use recreational access. SDORC feels that environmental protection of public resources is important and we support this when it can be applied in a reasonable manner that also allows public access in all appropriate forms.

41 In Section 1-2, Purpose of General Plans, it states, "This document does not attempt to provide detailed management recommendations, but rather provides conceptual parameters for future management actions." However, in Section 4.4.1.2, it states that, "An additional 9% of the Park will become State Wilderness under the Preferred Plan." This is not consistent with the statement in Section 1-2. With two-thirds of the existing park classified as wilderness currently we do not think more is needed unless detailed study findings support it.

42 In reviewing the updated Declaration of Purpose, Mission Statement and Vision Statement it is very apparent that the historical and culturally significant aspects of recreation and human access are being repressed while preservation and protection are the stated goal. Again the trend toward preservation and protection at the expense of recreation is apparent.

For a more detailed analysis of the General Plan we would like to submit the following comments that were prepared by the Backcountry Horsemen. We fully support their findings and wish to include them as a part of SDORC's comments:

43 Anza-Borrego Desert State Park's purpose as stated in the General Plan document is: "...to make available to the people forever, for their inspiration, enlightenment, and enjoyment, a spacious example of the plains, hills, and mountains of the Western Colorado Desert representing all the varied scenic, historic, scientific, and recreational resources of the region." How is this statement of purpose affected by the further refining of the Park's Management through the implementation of Public Resources Code Section 5019.53, PRC Section 5019.68, and PRC Section 5019.71? As I read these sections of the

#44. The criterion for establishment of state wilderness areas is found in PRC Section 5019.68 as shown on Page 3-4 (Section 3.2.2) of the plan. It was defined by the California Legislature All proposed state wilderness areas indicated in the General Plan are consistent with this Section of the Public Resources Code. Concerning your question, PRC 5019.68 clearly defines a “near natural appearance” as “areas where the earth and its community of life are untrammelled by man and where man himself is a visitor who does not remain.” While a State wilderness does allow for “semi-improved campgrounds, or structures which existed at the time of classification of the area as a state wilderness,” this does not include roads or trails and it is up to the State Park Commission to “determine if they may be maintained and used in a manner compatible with the preservation of the wilderness environment...so as to preserve its natural conditions.” While a historic or non-historic roads or trails through a designated wilderness would, as the code states, provide “outstanding opportunities for solitude or a primitive and unconfined type of recreation,” the roads and trails may travel along or through areas that “contain ecological, geological, or other features of scientific, educational, scenic, or historical value” that would also have to be protected. The existence of such resources may necessitate certain management issues that may or may not result in the closure or rerouting of specific roads or trails on a case-by-case basis. Therefore, it would not be a sound resource management policy to arbitrarily close or open all roads and trails, historic or otherwise, without studying what results would occur from those actions. Finally, the use of motor vehicles in wilderness area is expressly prohibited by PRC 5001.8, which must be read in conjunction with the classification provisions and restrictions. There remain legal questions regarding the validity of the rights asserted under RS 2477. In any event, these rights do not represent an applicable environmental issue under CEQA. Please also see Response # 37.10.

CSP respectfully disagrees that the continued maintenance of all historic trail corridors and roadways is desirable, given the Department’s **Mission**. It is allowed by PRC, but not mandated.

#45. Please see Response #43.

#46. The goals indicated in the Declaration of Purpose shown on Page 3-6 of the General Plan are met through the implementation of the Park **Mission** Statement. Although peak visitation is known to exclude the summer season, the adverse effects of visitor uses remain after the visitors leave. The references given here, and others cited throughout the Existing Conditions, document some of the lasting effects that visitor uses may have on desert environments, as well as the difficulties in restoring disturbed desert environments. CSP respectfully disagrees with your interpretation of the Visitor Survey, which was conducted by an outside agency. Please see Responses #36 and #40.

#47. Please see Responses #36 and #40. The landform of ABDSP is world renowned as a unique and character-defining element of the Park. Aesthetic analysis is often qualitative in nature and will be addressed under CEQA for visual impacts when considering future projects. The Park operations and **Mission** include protection of aesthetic, natural& cultural resources. When obvious degradation occurs due to human uses, it is the responsibility of the Park management to protect these resources from further damage.

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43 California Public Resources Code it appears that the recreation element of the purpose for the Park is being seriously neglected while the preservation aspects of these PRC codes are being given emphasis that will have a cumulative effect of severely limiting the ability of the average Park visitor to have a "wilderness experience". The preferred alternative of the General Plan seeks to limit the Focused Use Zones to about 1% of the Parks total landmass. If we accept the potential visitorship growth projections as stated in this document it will inevitably lead to exactly the type of overcrowding and congestion at certain times of the year that park visitors are seeking to get away from.

The language in the State Wilderness Classification, PRC Section 5019.68 refers to an area that, "has been substantially restored to a near-natural appearance." What is a "near-natural appearance"? How is it defined? What Criteria has been established for this designation? By whom was it defined?

44 The same PRC Section refers to, "without permanent improvements or human habitation, other than semi-improved, or structures which existed at the time of the classification of the area as a state wilderness." Does this language include roads and trail corridors that existed when the State Wilderness Classification was established? It should. It appears that the County of San Diego's assertion of its rights under RS 2477 would mean that any roads and trails corridors that existed at the time the Park was established in 1933. Under the PRC Section 5019.53 that classifies the area as a State Park, "improvements may be undertaken to provide for recreational activities including, but not limited to, camping, picnicking, sightseeing, nature study, hiking and horseback riding, so long as such improvements involve no major modification of lands, forests, or waters." The continued maintenance of historic trail corridors and existing roadways within the Park boundaries is not only desirable to the bulk of park visitors; it is mandated by the PRC code.

45 The Park Mission Statement as printed in this document appears to focus on the protection and managing of resources at the expense of "serving the needs of the public which are consistent with park objectives" unless the public needs to be excluded from the Park. If the public needs to be excluded from the Park, then the management goal of "instilling an appreciation for, and making available these treasured qualities and experiences for present and future generations" cannot be met.

46 The Park Visitor Survey and the visitation numbers as published in this document do not support the claim in this document that the Park is in peril due to increased population in neighboring areas. The Park environment is replete with visitation limiting factors, such as, the extreme temperature ranges. While a good wildflower year can increase Park visitors to around one-third of a million. This level of visitation only lasts for a very brief time in the spring. For most of the year daily temperatures tend to be in excess of 100 degrees Fahrenheit. This has a naturally limiting effect on Park Day-Use Visitors. Again, based on the Park Visitor Survey, as I read it, most of those surveyed support either no change in Park Management Strategies or alternative 1. This alternative would best address the present and future needs of the public that wish to experience the Park and gain an appreciation of the natural and cultural resources of ABDSP. The information collected at the Public Scoping Meetings and through the Park Visitor Survey clearly indicates the public's desire to continue to visit and experience the Park and it's incredible cultural and natural resources in a manner consistent with the Declaration of Purpose, PRC, Section 5002.2(b). Further restriction of visitor access and the cumulative impact to existing outdoor recreation activities of such restrictions are unacceptable to current Park visitors and the general public.

47 The objective of the Park Mission Statement states in part, "to preserve the landscape and scenery of the Park in a pristine condition" This is very subjective as the term "pristine condition" is not quantifiable

#48. CSP values the input received from the public, however, forming a “Citizens Advisory Council” to review “all land management actions” would be an extremely inefficient method of managing any State Park, given that “land management actions” are made every day. Future Park management will operate under the vision established by the General Plan and guidance adopted in the management plans addressed in Section 3.4 of the General Plan. These management plans will be subject to the CEQA process. CSP strives to go above and beyond what is required by law to include the public in the planning process, (Please see Section 2.3.5) and will incorporate appropriate public interest groups or experts into advisory teams for the management plans. For example, the Trail Management Plan, currently underway, has incorporated a trails assessment team composed of local citizens representing a variety of trail-focused organizations as well as resource experts or advocates. Citizens on these advisory committees are either nominated by their respective organizations and associations for specific management plans or requested to participate by CSP.

#49. CSP is mandated by law to protect geological features. State Park staff, through a professional assessment, determines if there is a need for protective measures, and if so, what actions will be taken. When State Parks proposes an activity that has the potential to significantly affect the integrity of geological features, those activities are subject to CEQA, which incorporates public review. Among the many disciplines employed by State Parks are: Rangers, Engineers, Ecologists, Geologists, and Landscape Architects. Anza-Borrego Desert State Park® has two geologists on staff. The professional interaction of these and other disciplines ensures that well-balanced decisions are achieved. State Parks intends to work as a partner with the local community and interested agencies to assist in developing solutions to the water issues within and adjacent to the Park. State Parks has a planner on staff to address these needs and she has been involved with the Borrego Valley Management Plan.

In addition to briefly reviewing some of the influences adjacent lands may have on the Park, the General Plan has incorporated the involvement and interaction of adjacent landowners, land management agencies, and interested groups throughout the planning process. Sections 2.1.3, 2.1.5, 2.3.4, 2.4, and 3.3 include additional information and reference to this endeavor. To manage this Park as if it were encased in a bubble would constitute poor stewardship practices.

#50. Protection ‘in perpetuity’ from natural degradation includes not only on-site protection but also the removal of resources and their preservation in a museum setting.

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- and lacks concrete definition. What criteria have been established to define this term? Who defined it? What methods of measuring this condition have been established? Who will be responsible to measure and report on these conditions?
- 47 The Vision Statement for ABDSP also refers to "the vast desert landscape and scenery being preserved in a pristine condition. The full array of natural and cultural resources are cared for so as to perpetuate them for all time." this statement is a fallacy. We cannot "perpetuate anything for all time". The guiding principle at work in the world is CHANGE. Erosion is a natural occurrence over time making it impossible to maintain the integrity of geological formations and outcrops over time. There is also a question of how the term "integrity" of a given geological feature is defined. What criteria are used to determine this integrity? How were these criteria developed? By whom? Where will these criteria be presented for public review and comment?
- 48 The stated Management Goal that "land management actions will be based on sound scientific data" must be adhered to. The statement "if such data does not currently exist and resource integrity appears in imminent danger" is very subjective. It violates the stated goal and prevents effective public oversight of management decisions. This will lead to conflicts between Park visitors, trail users and Park Management. It is, in my opinion, imperative that a Citizens Advisory Council, which will be made up of representatives of all Park user groups, be established to review all land management actions before implementation. This will assist Park Land Managers by providing both a wide range of viewpoints to guide the decision making process and a strong group of potential advocates for implementation.
- Under the heading of Geology, one guideline states, "Identify and monitor significant geological features. Take protective measures where necessary." How will the need for protective measures be determined? Who will make these determinations? What criteria will be used? How can the public be assured that any protective measures undertaken will be implemented only after a balanced peer-reviewed decision making process?
- 49 Under the heading of Soils, one guideline states, "Identify and protect natural sand sources that supply the material for sand dune systems throughout the Park." This guideline is probably unachievable since the Park Boundaries do not include all potential sources of the material for sand.
- Under the heading of Hydrology, while I agree, in substance, with the stated goal, "Protect the surface water and groundwater of ABDSP and strive to restore sustainable and ecologically functional watersheds throughout the region." This goal is beyond the scope of influence of Park Management Staff. Any portions of watersheds that affect the Park that are outside the Park boundaries are, in many circumstances, private property. They are therefore outside the sphere of influence of Park Management staff.
- Under the heading of Paleontology, the goals and guidelines, again, express concepts that are not achievable. To protect and preserve them in perpetuity from natural degradation is not possible. It totally disregards that the guiding principle of the world is CHANGE.
- 50 Under the heading of Significant and Sensitive Biota, the opening sentence of the discussion is based on the false hypothesis that, "the present rate of decline and extinction of plants and animals supports the current global biodiversity crisis exists." The rapid expansion of populations of keystone species, such as, mountain lions and wolves, the top predators in the North American food chain indicates that very

#50.1. A large body of literature supports the current global biodiversity crisis (Meffe and Carroll, 1997 chapter 5). For the most part, the species recoveries you have listed have been the result of dedicated conservation efforts. It is our hope that this General Plan will also contribute to the recovery of the many imperiled species yet to re-establish to safely sustainable populations.

#50.2. It seems you have misunderstood our statement regarding the vulnerability of amphibian populations in isolated desert wetlands. “Stochastic influences” (random influence) is merely listed as one of the potential forces that may play upon these animals and their future success or failure. It by no means is intended to imply that natural selection has ended or that the future evolution of desert amphibians is dependent on humans. This term is commonly used by ecologists as a general ‘catch-all’ for random happenings that may shape the adaptation, evolution, success, or extinction of a given population.

#50.3. Please see Response to Comment #50.5.

#50.4. Please see Response to Comments #37.5 and #37.6.

#50.5. In general, we use all of the data available in written history and peer consensus to determine whether a species is exotic or native. In addition, we also assess a species behavior in the ecosystem, its effect and invasiveness. Furthermore, the ‘preamble’ to the *Exotic Biota* goals and guidelines does not imply that we perceive species or ecological systems as static in nature.

Please see Response # 36. To review and comment on projects that may have negative effects on State Park land is among our required duties. It is not an illegal activity. It is our assessment that this General Plan is completely compatible with San Diego County Plans.

#51. Please see criteria used for acquisitions in Section 2.1.4 of the General Plan/Environmental Impact Report. Landscape linkages are an issue on both a federal and statewide level and must be addressed by the General Plan. Identification and implementation of these linkages would provide public open space and wildlife corridors for the future. Similar to habitat conservation planning efforts, the lands would only be acquired from a willing seller. Criteria for land acquisition must meet the goals of providing quality public open space yet be flexible to allow for variances in funding and the availability of the land. The Anza-Borrego Foundation Board is also involved in the identification and acquisition of new land for the Park.

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positive changes are occurring. In fact the major factor in the decline of the peninsular bighorn sheep populations in ABDSP is mountain lion predation. Peregrine falcons have been de-listed, bald eagles are candidates for de-listing, trumpeter swans are thriving. Canada goose, snow goose, and white-tailed deer populations are at nuisance levels from the Eastern Seaboard through the Midwest. Elk and American bison herds are larger than they have been since the 1930's. The least Bell's vireo thrives along Southern California rivers where the riparian corridors have either been actively restored or simply allowed to restore themselves. White ibis, snowy egret, wood stork, great egret and tri-colored heron are nesting in record numbers in the Everglades. The number of nesting birds is five times what it was five years ago. The point is the "global biodiversity crisis" is certainly waning rapidly across the North American Continent. The introduction of the concept of "stochastic influences" with regard to the preservation of amphibian species in the Park seeks to change a fundamental principle that underlies all conservation and preservation planning. The concept that natural selection in the process of biodiversity and speciation has ended and that the survival of species will be dependent upon the vagaries of human goodwill and ecological consciousness has not been documented or proven. Introducing it into a General Plan document is unacceptable. It is simply another methodology for ignoring that the "global biodiversity crisis" is an unfounded myth.

The stated goal "Protect the native biota of ABDSP" begs the question, what are native biota? What criteria were used to determine when a species is considered native? Is there a particular timeline to determine a native species as opposed to non-native? If so what is it? Where is it published? When and by who was it peer-reviewed?

The guideline, which reads, California State Parks will identify situations where State and Federal environmental legislation is not adequate to protect native biota. California State Parks will be proactive in biological conservation when the legislative process appears too slow, driven by economic or political interests or to be focused on a species when other levels of biological organization may be more appropriate units of conservation." This is or should be beyond the scope of CSP staff responsibilities. It is not appropriate to use of CSP staff and resources to interfere with the legislative process. It is a source of on-going frustration that public agencies, such as, the US Fish & Wildlife Service and the National Forest Service are so encumbered by the filing of lawsuits and the need to respond to them that they are unable to meet deadlines and fulfill their responsibilities towards currently listed species.

Under the heading Exotic Biota, "Exotic species are those that have been introduced by human actions to an ecological system from which they did not originate." By this definition all species could be considered exotic. Evidence of human activities have been found in ABDSP that appears to date back to the early Holocene period approximately 10,000 to 8,000 years before present. This period also correlates to a series of climate shifts with the advance and retreat of glaciers further north. The warming and cooling cycles would have caused changes in biota. This discussion also expresses the concept that specific biological systems typically express a degree of balance that supports or perpetuates the species native to that system. This is a fallacy. If, in fact, this hypothesis were true there would be no biodiversity because there would be no change in biological systems.

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Under the heading Landscape Linkages, one guideline states, "California State Parks will advocate the protection of key parcels within identified landscape linkages through acquisition or other conservation mechanisms and discourage projects or components of projects that decrease the viability of such linkages." This certainly appears to be outside the CSP sphere of influence. While it may or may not be acceptable for CSP to dictate land use within the boundaries of the land they hold in trust for the citizens

#52. Currently there is limited data and documentation regarding the number and location of historic roads and trails.

Please see Response #44, which addresses the issue of whether or not a historic road or trail should be open or closed based on a case-by-case study. The continued use of a historic road or trail, while it may continue a historic activity, is not a prerequisite for maintaining a resource's historic significance. It is whether or not the road or trail has maintained its integrity—the ability of its physical features to convey its historic significance. Using a historic dirt road or trail as an example, it normally must convey its historic significance through location, the place where the road or trail was formed or developed connected to a historic event or events, person or persons; setting, the physical environment or character of the place where a historic event or events occurred, including such natural features as a gorge, vegetation, and simple man-made features like wooden fences or water troughs; feeling, the combination of natural and man-made features that help to convey the resource during its period of historic significance; and association, the sum of the above attributes that help to form a direct link between the existing road or trail and the historic event, events, person or persons that make it historically significant. Therefore, the continued use of a historic road or trail may have an adverse effect on its historic integrity, and a decision would have to be made as how to preserve their integrity, which may mean closure or a change in their present use.

The statement that livestock grazing had a “profound effect” upon the Park’s landscape is neither positive nor negative, but a statement of fact. On Page 182 of Diana Lindsay’s book, *Anza-Borrego A to Z: People, Places, and Things*, which references Phil Brigandi’s 1995 opus, *The Livestock Industry on the Anza-Borrego Desert*, and information Mark Jorgensen sent to her in 2000, states that after twenty years of grazing concessions in the Park (not taking into account historic cattle grazing dating back to the late 1860s), there was a noted loss of native grasses, the introduction of exotic plant species, soil erosion, and the pollution of water sources.

#53. CSP respectfully disagrees. Please see Responses #13, #22, #25, #26, #37.8-9, and #40. CSP has cultural and natural stewardship programs, statewide resource management programs, and capital outlay programs to fund the stabilization and protection of resources. Please refer to California State Park’s **Mission** in Section 3.2.1 and the Park Purpose, **Mission** and Vision in Section 3.2.3. These are the principles upon which Park management is based. The assessment of visitor use effects must be established on an appropriate case-by-case basis. Minimization of visitor impacts does not mean “no-access;” it means that CSP will manage its resources wisely. Please also refer to Section 3.3.1.7. Protection of cultural resources does not necessarily mean that camping or other active recreation will be excluded or closed to public access, but it may be limited in highly significant sites. Primitive camping sites will not be designated as archaeological sites unless there is a pre-existing site. Please see Section 3.3.1.4 for clarification.

The goal to “protect, stabilize, and preserve cultural resources within ABSDP” is more than a “noble” goal, it is part of the State Park’s **Mission** Statement to protect its “most valued natural and cultural resources.” This protection can occur without a General Plan through Superintendent’s Closures or by redirecting recreational uses such that they do not adversely affect the resource. The Peak Shelter at Mt. San Jacinto State Park isn’t being “considered for cultural protection from visitors” [sic]. It has already been evaluated as a historic building, and therefore comes under State Park’s protection. However, it is

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51 of California, I believe it is necessary for land use planning to be consistent with County General Plans. How has this issue been addressed and incorporated into this document? The idea that CSP will seek to dictate land use issues on lands that they do not own is unacceptable, unconstitutional and probably illegal.

52 Under the heading Cultural Resources, one guideline states, Conduct research on known roads, trails, natural corridors and segments of historic routes of travel to identify their builders, periods of use, and periods of historical significance." I submit that any and all known roads, trails, natural corridors and segments of historic routes of travel be kept open to modern day Park visitors as they have already been used for human activities and will benefit future generations in by increasing their understanding of the lengths to which early peoples and pioneers went to settle the North American Continent. While I agree, in principle, with the guideline to, "Conduct oral history interviews with descendants of families who grazed livestock within the Park." I am concerned with the negative image the terminology "highlight its profound effects upon the landscape" presents. Again this is a very subjective viewpoint that not all interested parties share.

53 The stated Goal, "Protect, stabilize, and preserve cultural resources within ABDSP." is a noble one; I have grave reservations about how this can be implemented. The discussion of assessment of visitor use effects is appears to leave the determination of site-specific closures, moving roads, trails or camping locations open to arbitrary interpretation in a manner that is not consistent with "serving the needs of the public.." There are many guidelines listed under this goal that seriously overstep the boundaries of reasonable and logical Park management principles, ignore the cumulative impacts upon public recreational activities within the Park, and are far beyond the capacity of Park management to achieve.

The stated Goal, "Identify, document, protect, and interpret, if appropriate, archaeological and historic-period resources within culturally sensitive areas, and establish means to minimize impacts from visitor use." includes a number of guidelines that will if implemented as written abrogate the public process of review. They will also deny visitor access to historical and cultural treasures that form the basis for the Park's existence.

Under the heading Recreation, there is a guideline "Assess current and potential recreational activities for compatibility with State Park, Wilderness, Cultural Preserve and other land designations." How are these designations prioritized? Who will make the decisions regarding prioritization? What criteria will be used? How has it been developed? How has CSP preserved pre-existing Wilderness rights?

Under the guideline, "Assess primitive camping locations and other areas of active recreation for archeological sites." What is the timeline that will determine that these primitive camping locations are candidates for protection as archeological sites on the basis of the longevity of their existence? For example, the shelter built near the top of San Jacinto Peak by the Civilian Conservation Corps in the 1930's is being considered for cultural protection from visitors to San Jacinto State Park. There is an existing CCC campsite in Oriflamme Canyon that is adjacent to the existing California Riding and Hiking Trail. How can this be developed for current visitor use since it is a pre-existing improvement that should no require an EIR process? The protection measures delineated under the guideline listed above which include: "closing areas to camping, restriction of vehicular use, moving the alignment of trails and roads, and creation of new cultural preserves and other measures" can all be used to justify unreasonable restrictions of Park visitor use even in the proposed Focused Use Zones.

open to the public as a temporary shelter, a function it has served for over 60 years. Also, while there once was a Civilian Conservation Corps work camp at the lower springs in Oriflamme Canyon (near where the Mason Valley Truck Trail goes up Chariot Mountain), there are not any surviving features that would constitute a “pre-existing improvement.” See: Lindsay, Page 258. The proposed protection measures outlined in Section 3.3.1.7 (Page 3-38) of the Preliminary General Plan represent reasonable means to protect sensitive resources from the damaging effects of vehicular use, camping, or other recreational activities. It is within the purview of state park staff to propose and implement measures to preserve sensitive resources.

#54. CSP has many ongoing partnerships with jurisdictional agencies, the local community, interested organizations, the business community, and public volunteers. Additionally, State Parks will continue building constituency and relationships with the surrounding communities and park user groups. As a broad planning document, the General Plan does not attempt to make detailed management recommendations. Therefore, a “sustainable relationship between human culture and wild nature” must be defined by future, more detailed planning efforts that involve park staff, the park users, and the scientific community. These future plans will provide defined operating guidelines for future park management. However, both existing and future park management must act as stewards of resources, including recreational resources. Currently park operations actively encourage participation from those groups with proposals that are consistent with the Park needs and values. For example, the last two seasons, Backcountry Horsemen has brought in volunteers from five different chapters to conduct trail work in the Lower Willows area. The Park also partnered with CORVA on a volunteer work project in May 2002 on the Rodriguez Canyon Road. The Park has up to seventy volunteers working through the visitor center and information stations, seventy volunteers on the bighorn sheep counts, over fifty paleontology volunteers and over twenty-five archaeology volunteers. Volunteers participate on resource management projects and the Borrego Rotary Club maintains several bighorn sheep water stations. Advisory teams will be formed for the upcoming management plans that incorporate appropriate public interest groups.

#55. Please see Responses #8 and #51. CSP patrols by airplane; currently the only air patrol in the state park system. Additionally, people visiting the Park act as stewards of the resources and assist with enforcement of the Park rules by updating the 10 park rangers via cell phones. Approximately 25,000 acres of land are in private ownership within the Park boundaries and future acquisitions remain a goal under the General Plan.

#56. Please see Response #12. CSP would like to clarify that the report “*The Ecological Conditions in Coyote Canyon, Anza-Borrego Desert State Park®, An Assessment of the Coyote Canyon Public Use Plan (2002)*” included five years of monitoring data and an additional two years to compile a report. The report looks at a variety of studies and data, the ‘5 year’ vegetation monitoring is just one component used to develop the report. The report was mailed to CORVA (Jim Arbogast) the day after CORVA’s request for a copy of the report.

#57. Please see Responses #37, #48, #54, and #55. General Plans are not intended to discuss specific development, improvement proposals, or specific management plans. The General Plan sets the vision for the Park unit. This vision is the umbrella under which all subsequent planning efforts are created. All management plans, facility improvement plans, resource restoration projects, and routine operational decisions must be consistent with the goals and guidelines, management zones, and general direction provided by the General Plan. The General Plan process is intended to discuss existing conditions and the management of those conditions in a goal and guideline format. Specific proposals for future operations and management will be considered on a case-by-case basis and will be open to public review through the California Environmental Quality Act (CEQA) environmental review process.

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Under the heading Leadership the stated goal, "Act as a leader among agencies and groups that are active in providing recreation and preservation by nurturing partnerships and advocacy of the Park's mission." will, in my opinion, require major philosophical changes on the part of current Park Management Staff. I truly hope they can achieve them. The guideline that states, "Lead efforts to develop a sustainable relationship between human culture and wild nature." begs the question, how is a sustainable relationship defined? It must be clearly defined in order to be developed.

54 Under the heading Community Involvement and Marketing, one Goal states: All potential appropriate user groups, especially non-traditional groups, will be encouraged to visit the Park." How and by whom will the appropriateness of a user group be determined? What criteria will be used? Who will develop the criteria? Another Guideline states: "Encourage and develop volunteer groups and work programs that are consistent with park needs and values." Given past experience with CSP Management staff and equestrian volunteers, it is my opinion that this goal will need a lot of work. There is an additional guideline that states: "Recognize and build on a mutually supportive relationship between the Park and the community of Borrego Springs." This guideline will require major efforts on the part of Park staff. Their total disregard for community planning efforts and the economic impacts of previous land use decisions has created a hostile environment that will be difficult to overcome. An additional Goal plans to "Manage staff and resources to effectively deal with the Park's highly cyclical visitation. Promote visitation during less crowded periods." Again, given past experience with Park Management staff, in my opinion, it will be difficult to meet these goals.

55 The Draft General Plan document lists a number of goals and guidelines that deal Real Property Additions and Management. Given its current level of staffing and with the prospect of budget cuts due to the huge state budget deficit, it will be difficult for Park Management staff to effectively manage the land it currently has responsibility for. A series of goals that encourage additional land acquisition seems unwise at best. According to this document as of 2002 the area patrolled by a single ranger at ABDSP averaged nearly 100,000 acres. This indicates a serious lack of ability of Park staff to effectively manage and protect the resources they are currently responsible for. It is ludicrous to expect to continue to acquire properties under these circumstances. The Coyote Canyon Public Use Plan was outlined in 1995. It closed a significant portion of Coyote Canyon to traditional uses and changed visitor impacts to other sections of the canyon. It was to be reviewed in five years. We are told that the proposed review was not completed until 2002. It has still not been made available to interested parties who have asked for it repeatedly. This inability to meet deadlines and respond to reasonable interested party requests reinforces that Park staff cannot adequately manage and protect the resources they are currently responsible for.

57 In summation, this Draft General Plan lists a number of future planning efforts that will have to be made, the Backcountry Camping Management Plan, the Roads Management Plan, the Trails Management Plan, the Cultural Resources Management Plan, the Natural Resources Management Plan, the Interpretive Management Plan, and the Facilities Management Plan. All these planning efforts appear to be creating a whole new bureaucracy with duplication of efforts and serious impacts on already limited staff capabilities to meet Park needs. The number of proposed planning efforts are almost certain to cause confusion, conflict and an unparalleled level of redundancy. The amount of staff time and costs related to all these planning efforts will be staggering. It will be difficult for interested parties to stay engaged in the planning process with so many planning efforts that each take time and effort to review and comment on. It has the cumulative effect of unnecessarily restricting recreational activities, which is in direct conflict with the expressed desires of the majority of interested parties who took part in the planning process. It is in direct conflict with the interests expressed in the comments of the majority of people

#58. It is the expectation of CSP that existing recreational uses will continue to occur under the Preferred Alternative and additional recreational opportunities will be provided.

Public Review Comment Letter

03/03/2003 15:57 FAX 6195611497

ALAN KLUMPH

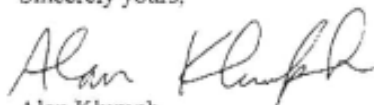
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58 [who filled out the Park Visitor Survey. It is unfair to the citizens of California who have funded so many bond acts for parks and recreation and who expect to be able to enjoy recreational activities on the land so acquired to proceed with the preferred alternative.

Thank you for the opportunity to comment on this Draft General Plan.

Sincerely yours,



Alan Klumph

For the San Diego Off Road Coalition

#59. Please see Response #54. CSP recognizes a partnership between Back-Country Horseman and CSP in Anza-Borrego Desert State Park® and looks forward to continuing that partnership.

#60. Please see Response #11.